



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Brian Calhoun**  
**Brad Castillo**, Acting President  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, DECEMBER 16, 2003**

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on [www.ci.fresno.ca.us](http://www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.

## **8:30 A.M. - ROLL CALL**

Invocation by Pastor Jack Douglas from Baptist Temple Church

Pledge of Allegiance to the Flag

Proclamation of "ANDRE VAN DE GRAAF DAY" - Councilmember Duncan

Proclamation of "RICHARD'S RESTAURANT DAY" - Councilmember Sterling

Proclamation of "DAVE RUFFNER AND THE FRESNO HIGH SCHOOL BASS QUINTET DAY" -  
Council President Boyajian

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of December 9, 2003

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. \* Award a requirements contract to Decker Ford, Inc., dba Future Ford of Clovis, for Ford OEM parts - General Services Dept.

**Action Taken:**

B. \* Award a requirements contract to Kitahara Pontiac GMC Buick, Inc. of Fresno for General Motors OEM parts - General Services Dept.

**Action Taken:**

C. \* Award a contract to Steve Dovali Construction of Fresno to construct well site improvements at Pump Station 4B - General Services Dept./Dept. Of Public Utilities

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. \* Award a contract to Bill Marvin Electric, Inc. of Fresno, to install bike crossing flashing beacons at Shepherd Avenue and the Sugar Pine Trail - General Services Dept.  
**Action Taken:**
- E. \* Award a contract to BH Cable joint venture of Sacramento, California, for fiber optic interconnect infrastructure for Clovis Unified School District campuses - General Services Dept./Public Works Dept.  
**Action Taken:**
- F. \* Award a requirements contract to Calaveras Materials, Inc. of Fresno for asphalt concrete - General Services Dept./Public Works Dept.  
**Action Taken:**
- G. \* Approve an agreement to receive grant funds from the San Joaquin Valley Air Pollution Control District Heavy Duty Engine Incentive Program - General Services Dept.  
**Action Taken:**
- H. \* **RESOLUTION** - 54<sup>th</sup> amendment to AAR Resolution No. 2003-209 appropriating \$26,800 to move the Emergency Preparedness Officer to the Fire Department from the Police Department **(Requires 5 affirmative votes)** - Fire Department  
**Action Taken:**  
1. \* **RESOLUTION** - 1<sup>st</sup> amendment to PAR Resolution No. 2003-210 reallocation the position of Emergency Preparedness officer to the Fire  
**Action Taken:**
- I. \* Approve agreement with Fresno Unified School District for recreational use of school facilities and educational use of City facilities - Parks, Recreation, and Community Services Dept.  
**Action Taken:**
- J. \* Authorization to enter into an agreement with the California Department of Transportation (CalTrans) division of rail for subsidized transit transfer passes - Transportation Dept.  
**Action Taken:**
- K. **ITEM REMOVED FROM THE AGENDA**  
**Action Taken:**

1.

**GENERAL CONSENT CALENDAR CONTINUED**

- L. Approve resolutions authorizing continuation of security services for public housing - Police Department  
**Action Taken:**
1. \* **RESOLUTION** - 52<sup>nd</sup> amendment to AAR Resolution No. 2003-209 appropriating \$45,000 to the Police Department to provide continuation of additional security and protection services for public housing (***Requires 5 affirmative votes***)  
**Action Taken:**
  2. **RESOLUTION** - Authorizing continuation of additional security and protection services for public housing utilizing funding provided by the Housing Authority of the City of Fresno and execution of related documents  
**Action Taken:**
- M. Authorize the Chief of Police to accept the one-third share of the civil fines collected by the County for tobacco violations that occur in the City - Police Department  
**Action Taken:**
1. \* **RESOLUTION** - 55<sup>th</sup> amendment to AAR Resolution No. 2003-209 appropriating \$20,000 to the Police Department for the City's share of tobacco violation fines (***Requires 5 affirmative votes***)  
**Action Taken:**
- N. Approve the purchase of an easement for public street purposes from property owned by Carl and Andrea West at the southeast corner of Herndon and Van Ness Avenues - Public Works Dept.  
**Action Taken:**
- O. Consideration of revising the Three-Year Underground Utility District Plan - Public Works Dept.  
**Action Taken:**
- P. Approve the purchase of a street easement from Rite Aid Lease Management Company for the street widening project at Shaw and West Avenues - Public Works Dept.  
**Action Taken:**
- Q. \* Approving Dry Creek Alignment Agreement with the Fresno Irrigation District - Dept. of Public Utilities  
**Action Taken:**
1. Approve grant of easement for the new irrigation canal  
**Action Taken:**
- R. Approve Council appointments to the Citizens' Advisory Committee for the Chaffee Zoo - Council Offices  
**Action Taken:**
- S. \* Amend current policy to include funding maintenance activities of PG&E easements and of open spaces between subdivisions and canals by Community Facilities District No. 2 - Public Works Dept.  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

T. Adoption of ordinances to regulate solid waste and recycling facilities, to inspect and monitor nonconforming uses and structures, and to abate public nuisances - City Attorney's Office

**Action Taken:**

1. \* **BILL NO. B-100 - (Intro. 12/9/03)** - Adding Article 3 to Chapter 9 of the Fresno Municipal Code, relating to the regulation of solid waste and recycling facilities in the City of Fresno

**Action Taken:**

2. \* **BILL NO. B-101 - (Intro. 12/9/03)** - Adding Subsection "L" to Section 12-317 of the Fresno Municipal Code, relating to the inspection and monitoring of legally nonconforming uses and structures

**Action Taken:**

3. \* **BILL NO. B-102 - (Intro. 12/9/03)** - Amending Sections 9-804 and 9-805.3(a) of the Fresno Municipal Code, relating to the abatement of public nuisances

**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS**

**9:30 A.M.** Bankside Trail Project

a. Approve request for authorization to seek and solicit grants to fund the Bankside Trail Project - Council President Boyajian

**Action Taken:**

b. **RESOLUTION** - Supporting the Herndon Canal Parkway Project - Public Works Dept.

**Action Taken:**

**10:00 A.M.** **HEARING** to consider Rezone Application No. R-03-42, and environmental findings, filed by Roberto Sepulveda, for a 0.6 acre parcel of land located at the northwest corner of S. Fourth Street and E. Ventura Street (***Property located in District 5***) - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt Environmental Assessment No. R-03-42, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone the subject property from R-3 (*Medium Density Multiple Family Residential*) zone district to the C-P (*Administrative and Professional Offices*) zone district

**Action Taken:**

**10:05 A.M. - 10:15 A.M. COUNCIL RECESS**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**10:15 A.M. HEARING** to consider Plan Amendment No. A-03-02, Rezone Application No. R-03-15, and environmental findings, filed by J. Margolin, for 8 acres of property located on the northeast corner of E. Shaw and Freeway 41 (***Property located in District 7***) - Planning and Development Dept.

**Action Taken:**

1. Consider and adopt the finding of Mitigated Negative Declaration for Environmental Assessment No. A-03-02/R-03-15/C-03-52

**Action Taken:**

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and Hoover Community Plan

**Action Taken:**

3. **BILL** - Amending the Fresno Yosemite International Airport and Environs Specific Plan to change the planned land use designation of property located therein from the office commercial to the medium high density residential land use designation

**Action Taken:**

4. **BILL** - Amending the Official Zone Map to rezone the subject property from C-P/BA-30 (*Administrative and Professional Office/Boulevard Area-30feet*) zone district to the R-3/cz (*Medium Density Multiple-Family Residential/conditions of zoning*) zone district

**Action Taken:**

**10:30 A.M. HEARING** to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes from the following three parcels of real property located at the intersection of E. Shaw and N. Cedar Avenues in the City of Fresno (APN Nos. 427-020-70, 418-040-50, and 418-040-57) (***Property located in District 4***) - Public Works Dept.

**Action Taken:**

1. \* **RESOLUTION** - Determining that the public interest and necessity require acquisition of permanent easements and rights of way for public street purposes from real property located at the intersection of E. Shaw and N. Cedar Avenues in the City of Fresno (APN Nos. 427-020-70, 418-040-50, and 418-040-57) (***Requires 5 affirmative votes***)

**Action Taken:**

**10:45 A.M. HEARING** to consider adoption of resolutions designating properties to the Local Register of Historic Resources - Planning and Development Dept.

**Action Taken:**

1. **RESOLUTION** - Adopting designation of the Joseph J. Bolitho home located at 33 N. Calaveras Street to the Local Register of Historic Resources

**Action Taken:**

2. **RESOLUTION** - Adopting designation of the McGee-Macias home located at 115 N. Calaveras Street to the Local Register of Historic Resources

**Action Taken:**

3. **RESOLUTION** - Adopting designation of the Valley Lahvosh Baking Company located at 502 "M" Street to the Local Register of Historic Resources

**Action Taken:**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**11:00 A.M. CONTINUED HEARING** to consider Rezone Application No. R-03-52, and environmental findings, filed by Lisa Quimet-Monaco, pertaining to a 7.6-acre parcel of land located on the north side of W. Herndon Avenue between N. Golden State Boulevard and Freeway 99 - Planning and Development Dept.  
**(Property located in District 2)**

**Action Taken:**

1. Consider and adopt Environmental Assessment No. R-03-52, finding of conformance with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

2. **BILL** - Amending the Official Zone Map to rezone from M-1/UGM (Light Manufacturing/Urban Growth Management) zone district to the C-M/EA/UGM (Commercial and Light Manufacturing/Expressway Overlay/Urban Growth Management) zone district

**Action Taken:**

**2:00 P.M. #1** **CONTESTED CONSENT ITEMS**

**2:00 P.M. #2** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Bombay Corporation, et. al v. City of Fresno  
Fresno Superior Court Case No. 02 CE CG 02021

**Action Taken:**

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Government Code Section 54957

1. **TITLE:** City Attorney  
**Action Taken:**
2. **TITLE:** City Clerk  
**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

### 2:00 P.M. #3 JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of December 9, 2003

**Action Taken:**

- A. **RESOLUTION** - Approving a funding and reimbursement agreement between the City of Fresno and the Redevelopment Agency and making certain findings pursuant to Health and Safety Code Section 33445 regarding storm drainage facilities/Basin "T" improvements within the Airport Area Revitalization Redevelopment Project Area **(Council and Agency action)**
1. \* Approve a \$900,000 loan from the Water Operating Fund to the Gap Ponding Basin "T" Loan Fund **(Council and Agency action)**  
**Action Taken:**
  2. \* **RESOLUTION** - 57<sup>th</sup> Amendment to the AAR Resolution No. 2003-209 appropriating \$1,100,000 for the Gap Ponding Basin "T" Expansion and storm drainage improvements **(Council action)**  
**Action Taken:**
- B. Receive Design Guidelines and Review Procedures and gather comments from Neighborhood Design Review Committees and other groups and persons. Staff will incorporate these comments into a final version of the document to be submitted for Agency/Council approval at a later date **(Council and Agency action)**  
**Action Taken:**

### ADJOURN AGENCY

### 2:15 P.M. CONTINUED HEARING regarding Community Facilities District No. 2, Annexation No. 59 (Final Tract Map No. 5135) - Public Works Dept.

**Action Taken:**

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 59 and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** - Calling a special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. \* **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 59, Final Tract Map No. 5135  
**Action Taken:**



## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**2:30 P.M.** \* Award contract for Worker's Compensation Third Party Administration Services and extend existing contract with Ross and Castillo for up to a three month transition period - Risk Management

**Action Taken:**

1.\* **RESOLUTION** - Approve the reclassification of \$125,000 from contingency to meet cost increases associated with third party administrator contract services

**Action Taken:**

**2:45 P.M.** Approve establishment of a Budget Committee to be appointed by the Council President - Councilmember Perea

**Action Taken:**

## **2. GENERAL ADMINISTRATION**

A. \* **RESOLUTION** - 56th amendment to AAR Resolution No. 2003-209 appropriating \$427,100 for thirteen (13) new permanent positions in the Planning and Development Department **(Requires 5 affirmative votes)**

**Action Taken:**

1. \* **RESOLUTION** - 2<sup>nd</sup> amendment to PAR Resolution No. 2003-210 adding 13 new full time equivalents (FTE'S) for the Planning and Development Department

**Action Taken:**

B. **RESOLUTION** - Requesting that the County of Fresno grant authority to the City of Fresno to review plans, issue permits and inspect improvements with respect to the Copper River Ranch Project site clearance and grading - Planning and Development Dept.

**Action Taken:**

C. \* **BILL - (For introduction)** - Amending Section 3-202 of the Fresno Municipal Code, relating to the sale or other disposition of surplus personal property - General Services Dept.

**Action Taken:**

3.

<b>CITY COUNCIL</b>
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- A. Direct designation of Willow Avenue between E. Lane and E. Kings Canyon be changed from a bike path to a bike route - Councilmember Dages  
**Action Taken:**
- B. **RESOLUTION** - Amending Resolution No. 2003-137 relating to election of the President and Acting President of the Council - Councilmember Calhoun  
**Action Taken:**
- C. Discussion and information regarding a December 18, 2003 hearing of the Public Utilities Commission to rule on the Proposed Settlement Agreement (PSA) with PG&E, which will set electricity rates as the highest in the state for years to come - Councilmember Calhoun  
**Action Taken:**

4.

<b>PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.</b>
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- A. Scheduled Public Comment -
  - 1. Appearance by Bev Shuemaker with Café 309 to request that Fresno Fire Department inspection and re-inspection fees assessed be waived
- B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	23 -	<b>NO MEETING - CHRISTMAS WEEK</b>	
Dec.	30 -	<b>NO MEETING - NEW YEAR'S WEEK</b>	
Jan.	6 -	10:10 A.M.	<b>HEARING</b> re: Plan Amendment No. A-03-04, Rezone Appl. No. R-03-18, filed by Paul and Gayane Atmajian
Jan.	6 -	10:15 A.M.	<b>HEARING</b> re: Plan Amendment No. A-03-10, Rezone Appl. No. R-03-54, filed by McCaffrey Group
Jan.	6 -	2:30 P.M.	<b>WORKSHOP</b> re: Development of Public Arts Ordinance - Parks, Recreation, and Community Services Dept. - <b>(Council Chambers)</b>
Jan.	6 -	3:00 P.M.	<b>WORKSHOP</b> re: Commercial Solid Waste Franchise - Public Works Dept. - <b>(Council Chambers)</b>
Jan.	13 -	10:00 A.M.	<b>CONTINUED HEARING</b> to consider Rezone Application No. R-03-21, and environmental findings, filed by LATCO Enterprises, pertaining to a 17.7-acre parcel of land located on the northwesterly side of N. Figarden Drive, between N. Santa Fe and W. Sierra Avenues - Planning and Development Dept
Jan.	13 -	2:00 P.M.	<b>WORKSHOP</b> re: Chaffee Zoo Strategic Planning Study - Parks, Recreation, and Community Services Dept. - <b>(Council Chambers)</b>
Jan.	20 -	<b>NO MEETING - MARTIN LUTHER KING, JR. DAY</b>	
Jan.	20 -	10:00 A.M.	<b>HEARING</b> re: CFD No. 2, Annexation No. 61, Final Tract Map No. 4598 <b>(Continued to 2-10-04 at 10:05 a.m.)</b>
Jan.	27 -	2:15 P.M.	<b>WORKSHOP</b> re: Community Sanitation reorganization and Operation Clean-Up - Dept. of Public Utilities - <b>Meeting Room "A" - 2165N</b>
Jan.	27 -	3:00 P.M.	<b>WORKSHOP</b> re: Air Cargo - Transportation Dept. - <b>Meeting Room "A" - 2165N</b>
Feb.	3 -	10:00 A.M.	<b>HEARING</b> re: formation of UUD No. FRE-83 (Cedar/Shaw) - Public Works
Feb.	3 -	2:15 P.M.	<b>WORKSHOP</b> re: Medical plans and Health & Welfare Trust - Personnel Dept. - <b>Meeting Room "A" - 2165N</b>
Feb.	3 -	3:00 P.M.	<b>WORKSHOP</b> re: Urban reforestation - Public Works Dept. - <b>Meeting Room "A" - 2165N</b>
Feb.	10 -	10:00 A.M.	<b>HEARING</b> re: CFD No. 2, Annexation No. 60, Final Tract Map No. 5098
Feb.	10 -	10:05 A.M.	<b>CONTINUED HEARING</b> re: CFD No. 2, Annexation No. 61, Final Tract Map No. 4598
Mar.	23 -	<b>NO MEETING</b>	

### UPCOMING WORKSHOPS

Jan.	6 -	2:30 P.M.	Development of Public Arts Ordinance
Jan.	6 -	3:00 P.M.	Commercial Solid Waste Franchise
Jan.	13 -	2:00 P.M.	Chaffee Zoo Strategic Planning Study
Jan.	27 -	2:15 P.M.	Community Sanitation reorganization and Operation Clean-Up
Jan.	27 -	3:00 P.M.	Air Cargo
Feb.	3 -	2:15 P.M.	Medical plans and Health & Welfare Trust
Feb.	3 -	3:00 P.M.	Urban reforestation